

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 9, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, January 9, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter. Commissioner Clara Shepherd arrived at 5:33 p.m.

2007-02 HONORS AND AWARDS:

A. Muskegon Big Reds. Mayor Warmington presented Muskegon Big Reds Coach Parker with a street sign in recognition of their 2006 Division 2 Football State Championship.

2007-03 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the December 11th Commission Worksession, the December 12th Regular Commission Meeting, and the December 28th Special Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License – Muskegon Area Chamber of Commerce. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Area Chamber of Commerce is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been

recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

C. Liquor License Request – Dockers Restaurant LLC. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dockers Restaurant LLC to transfer ownership of the 2006 Class C Licensed Business with Dance-Entertainment Permit, held in escrow, from Dockers, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval contingent upon final inspection.

D. SECOND READING: Amend City Ordinance 10-135 Removal of Materials. PUBLIC SAFETY

SUMMARY OF REQUEST: On occasion each year Public Safety Division staff is asked to waive the portion of the ordinance that addresses the removal of below grade materials. This is generally associated with a project where the removal is extremely costly and where acceptable options are available.

In order to streamline this process, staff is asking the Commission to amend Section 10-135 of the Code of Ordinances regarding the removal of materials during demolition. The amendment would allow the City Manager to waive all or part of the ordinance regarding the removal of below grade materials. Such waiver requests would include a review by the City Engineer.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the amended language.

G. FIRST READING: Zoning Ordinance Amendment – Appointment of Zoning Board of Appeals Members. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2501 (Creation and Membership, paragraph 1) of Article XXV (Zoning Board of Appeals) regarding the appointment of successor ZBA members within one month after the term of the preceding member has expired.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend the language regarding the appointment of successor

ZBA members.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their December 14, 2006, meeting. The vote was unanimous with T. Harryman, B. Smith, and T. Michalski absent.

H. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004, but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005 and again in January 2006. Because that deadline will expire shortly, staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

I. Sale of Reversionary Interest of Unbuildable Lot Adjacent to 686 Marquette to the New Owner. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the reversionary interest of the unbuildable lot adjacent to 686 Marquette to Baymark Homes, LLC. The property was originally sold to Charles and Lisa Hippchen and the bank (Wells Fargo Bank NA) foreclosed on the home. Due to the reversionary clause in the quit claim deed, the property reverts back to the City. Baymark Homes, LLC has since bought the home at 686 Marquette and has paid the fee for the unbuildable lot.

FINANCIAL IMPACT: The sale of the reversionary interest of the unbuildable lot to Baymark Homes, LLC will keep the property intact and the City will not be responsible for the maintenance.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

J. Special Event Application - Muskegon Air Fair. LEISURE SERVICES

SUMMARY OF REQUEST: The Muskegon Air Fair is requesting to host a Marti Gras Fundraiser on February 17, 2007, to be held at the Greater Muskegon Woman's Club. They are requesting to stop selling drink tickets at 11:30 p.m., stop pouring beverages at 12:00 a.m., and have the area cleaned up by 12:30 a.m. The Leisure Services Special Event Policy section II, item f states: *For Alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 p.m., stop pouring*

beverages at 11:00 p.m., and have the area cleaned up by 11:30 p.m.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approved by Tony Kleibecker, Director of Public Safety.

K. Appointment to the Civil Service Commission. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: To appoint David-George Newsome to the Civil Service Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as read minus items E and F.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

2007-04 ITEMS REMOVED FROM THE CONSENT AGENDA:

E. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a service agreement with Professional Med Team (Pro-Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County. Pro-Med is located within the City.

FINANCIAL IMPACT: This agreement will reduce the cost of a blood draw from the current rate of \$120 (area hospital) to \$75.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

(Voted with item F.)

F. Support Agreement - Internet Crimes Against Children Task Force. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Justice Internet Crimes Against Children Task Force and the Michigan State

Police. The agreement will result in the formation of a multi-agency work group intended to combat crimes committed against children through the use of the internet.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Service Agreement with Professional Med Team Inc. and the Support Agreement for the Internet Crimes Against Children Task Force.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2007-05 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate - Ameriform Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Ameriform Inc., 1790 Sun Dolphin, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1790 Sun Dolphin Drive, Muskegon. The total capital investment is approximately \$4,800,700 with \$1,123,000 in real property and \$3,677,700 in personal property. This request qualifies Ameriform Inc. for a term of 12 years for real property and 9 years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property.

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:55 p.m. and approve the Industrial Facilities Exemption Certificate for Ameriform Inc.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2007-06 UNFINISHED BUSINESS:

A. Approval of Contract for Payments in Lieu of Taxes for Renaissance Place. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A contract providing for a Payment in Lieu of Taxes for a proposed senior housing development known as Renaissance Place LDHA LP, has been requested in accordance with Section 2-6 of the City Code of Ordinances. The property is located at 552 & 570 W. Clay Avenue. The applicant, Mr. Karl Chew, is planning to develop 23 senior citizen units, and one market rate unit (total of 24 units). The Commission and staff have requested that Mr. Chew increase the number of market rate apartments in the development, but Mr. Chew has declined to make adjustments, citing financial reasons.

FINANCIAL IMPACT: Payments under the contract are proposed at 10%. However, the first 1 – 6 years no taxes will be paid as the property is within a Renaissance Zone. The payments will be made between years 7 -15.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The desire for additional market rate units remains. If the developer is unwilling to make any further adjustments, the Commission can either deny or approve the contract. If the Commission approves the contract, the Mayor and Clerk should be authorized to execute the contract on behalf of the City.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the contract for Payments in Lieu of Taxes for Renaissance Place.

ROLL VOTE: Ayes: Carter, Shepherd, and Warmington

Nays: Davis, Gawron, Spataro, and Wierengo

MOTION FAILS

2007-07 NEW BUSINESS:

A. Transportation Improvements Program Submittal for: 2008-2011 and Long Range Plan Projects. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to submit the list of projects to the West Michigan Shoreline Regional Development Commission for inclusion in the FY 2008-2011 Transportation Improvement Program (TIP). Projects submitted will be considered for Federal and State transportation funding. Adoption of the resolution is required as part of the submittal to commit the local match should grants become available.

FINANCIAL IMPACT: None at this time; however, a local match will be required should we receive a grant for a particular project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the project submittal and resolution.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Transportation Improvements Program submittal for 2008-2011 and long-range plan projects.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, and Carter

Nays: None

Absent: Wierengo (stepped out of the room)

MOTION PASSES

B. Lakeside Business Area Plan Endorsement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to endorse the Lakeside Area Business Plan, with recommendations.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends endorsing the plan, with the recommendations provided by Planning Commission.

COMMITTEE RECOMMENDATION: The Planning Commission recommended endorsing the plan, with specific recommendations, at their December 14, 2006, meeting. The vote was unanimous with B. Smith, T. Michalski, and T. Harryman absent.

Motion by Vice Mayor Gawron, second by Commissioner Carter to endorse the Lakeside Business Area Plan with the recommendations.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:27 p.m.

Respectfully submitted,

Linda Potter, CMC
Acting City Clerk